IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :6614 & 6585 of 2006

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Dated: 5th June 2006.

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WRIT PETITION NO :6614 of 2006

Between:
Mrs. Sriram Ramana

..... PETITIONER

AND

Sub-Inspector of Police, Taluq Police Station, Nuzvid,
Krishna district and others

.....RESPONDENTS

WRIT PETITION NO :6585 of 2006

Between:
Mrs. Sriram Ramana

..... PETITIONER

AND

Sub-Inspector of Police, Taluq Police Station, Nuzvid, Krishna district and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NOs.6614 & 6585 OF 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

These two writ petitions are interconnected and the parties are same in both the writ petitions. The complaint in both the writ petitions is that the respondents arrested the maternal grandmother of the petitioner and also the brother and the brother-in-law of the petitioner at Akeevidu on 29th and 27th March 2006 respectively. It is the further complaint of the petitioner that the alleged detenus were not produced before any court of law as required under law.

The first respondent in both the writ petition is the Sub-Inspector of Police, Taluq Police Station, Nuzvid at Krishna District. Second and third respondents in both the writ petitions are the identical and two named constables attached to Machilipatnam Crime Police

Station.

This Court ordered notice in both the writ petitions on 04-04-2006. None of the respondents chose to file any counter affidavit and on the other hand, one Mr. R. Krishna Murthy, who describes himself as Circle Inspector of Police, Nuzvid Circle of Krishna District, chose to file an affidavit; purporting to be the common counter affidavit in these two writ petitions. In the said counter affidavit it is stated that a complaint was received on 12-09-2005 at 04-00 hours in the Nuzvid Rural Police to the effect that on the intervening night of 11/12-09-2005 at 00-45 hours, seven or eight unknown culprits, between the age group of 30-35 years, trespassed into Srinivasa Tiles Factory, which is within the jurisdiction of the said police station, beat the watchman and later waited for the arrival of the proprietor of the factory, who is residing in the factory premises along with family, snatched away some gold jewellery, ransacked the house and stole gold and silver ornaments worth Rs.1,30,000/-. Basing on the same, a case in Crime No. 12 of 2005 in the said Police Station, under Section 395 of the Indian Penal Code, was registered.

During the course of investigation, it appears, on 31-03-2006, on receipt of certain information, the deponent of the counter affidavit, claims to have arrested the alleged first detenu in Writ Petition No.6614 of 2006 (Mr. Durga Prasad) at Hanuman Junction of Krishna District and produced him before the Judicial Magistrate

of First Class, Nizvid, on the same day. Insofar as the alleged second detenu in the abovementioned writ petition is concerned, it is stated in the so-called counter affidavit that he was never arrested, obviously, by the deponent because, in law, he could not speak for others unless he is authorized to do so and the affidavit does not disclose that he was so authorized by the respondents in the writ petition. Insofar Writ Petition No.6585 of 2006 is concerned, the alleged detenue One Akula Pentamma, grandmother of the petitioner, according to the so-called counter affidavit filed by the Circle Inspector, she is not the said old lady Akula Pentamma, who is allegedly aged about 75 years and that she is not required in connection with any of the crimes pending with any police stations in his circle, therefore, she is not arrested. According to his information, she is residing with her son at G.Madugula village, Visakhapatnam district.

The allegations made in both the writ petitions are that the abovementioned Akula Pentamma was arrested on 29-03-2006 and the other alleged detenus viz., Ganta Durga Prasad and Bandi Ramakrishna, were arrested on 27-03-2006 by three definitely named respondents, on the abovementioned dates.

None of the named respondents thought it fit to deny the allegations; an absolute callous state of affairs on the part of the respondents. The allegations, therefore, go un-rebutted. The counter affidavit filed by

the Circle Inspector of Police, Taluq Police Station, Nuzvid, in our view, is wholly irrelevant in deciding the allegations made in the writ petitions.

We, therefore, direct the Superintendent of Police, Krishna District, to initiate disciplinary action against the three respondents in these writ petitions and report to the Court on the next date of hearing.

Registry is directed to communicate this order to the Superintendent of Police, Krishna District, forthwith and list these matters after six weeks.

J.Chelameswar, J

D.Appa Rao, J

5th June 2006
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